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Approved Minutes
Forensic Science Board Meeting
January 4, 2023
Electronic Meeting via WebEx

Board Members Present

Chief Maggie A. DeBoard, Chief of Police, Herndon Police Department, *Chair*
Megan L. Clark, Commonwealth's Attorney, Prince Edward County
Senator John S. Edwards, Chair of the Senate Committee on the Judiciary
William T. Gormley, M.D., Chief Medical Examiner
Karl R. Hade, Executive Secretary, Supreme Court of Virginia
Kristen J. Howard, Designee of the Chair of the Virginia State Crime Commission, Senator John S. Edwards
Michael HuYoung, Esquire, Criminal Defense Attorney
Caroline D. Juran, Executive Director, Board of Pharmacy, *Vice Chair*
George C. Maha, Ph.D., Scientific Advisory Committee Member
Richard P. Meyers, Scientific Advisory Committee Member
Jackson Miller, Director, Department of Criminal Justice Services
Lt. Colonel Timothy Lyon, Designee of Colonel Gary T. Settle, Superintendent, Virginia State Police
Denise M. Toney, Ph.D., Director of the Division of Consolidated Laboratory Services
Nicole Wittmann, Designee of Attorney General Jason S. Miyares

Board Members Absent

Delegate Wren Williams, Designee of Delegate Robert Bell, Chair of the House Committee for Courts of Justice

Legal Counsel for the Forensic Science Board

Michelle Welch, Senior Assistant Attorney General

Staff Members Present

David A. Barron, Ph.D., Deputy Director
Mason Byrd, Chief Deputy Director
Deea Chakraborty, Legal Assistant
Sabrina S. Cillessen, Physical Evidence Program Manager
James W. Hutchings, Ph.D., Toxicology Program Manager
Linda C. Jackson, Director
Amy C. Jenkins, Department Counsel
Brad Jenkins, Forensic Biology Program Manager
David Koppenhaver, Northern Laboratory Director
Alka B. Lohmann, Director of Technical Services
Scott Maye, Central Laboratory Director
Jessica B. Norton, Sr. Legal Assistant
Kevin Patrick, Western Laboratory Director
Susan Stanitski, Eastern Laboratory Director
Elise Stroble, Grants and Administration Program Manager/Board Secretary

47 Robyn Weimer, Chemistry Program Manager

48

49 **Call to Order**

50 Chief Maggie DeBoard, Chair of the Forensic Scientific Board (“Board” or “FSB”) called the
51 meeting to order at 9:32 a.m. Chief DeBoard called on Ms. Stroble to address the Board and the
52 public regarding the all-virtual meeting and to conduct a roll call.

53

54 Ms. Stroble reminded the Board and members of the public that this was an all-virtual meeting,
55 pursuant to Virginia Code Section 2.2-3708.3, and provided a phone number to call should there
56 be any technical issues or transmission failures. After the roll was called, Chief Deputy Director
57 Mason Byrd advised that a majority of the Board members were present. Chief DeBoard
58 recognized that a quorum existed.

59

60 Chief DeBoard asked that the members of the Board and DFS staff introduce themselves.

61

62 **Adoption of Agenda**

63 Chief DeBoard advised that the first order of business was the adoption of the draft agenda for the
64 meeting, which was previously shared with the Board members. She asked if there were any
65 changes to the draft agenda. Being none, she asked for a motion to approve the draft agenda. Ms.
66 Wittmann made a motion to adopt the agenda, which was seconded by Mr. Hade. A roll call vote
67 was taken, and the agenda was adopted by unanimous vote.

68

69 **Approval of Draft Minutes of the October 19, 2022 Board Meeting**

70 Chief DeBoard asked if there were any proposed changes to the draft minutes from the October
71 19, 2022 meeting. Being none, she asked for a motion to approve the draft minutes. Ms. Juran
72 made a motion to approve the October 19, 2022 meeting minutes, which was seconded by Dr.
73 Gormley. A roll call vote was started. When it was Mr. Miller’s turn to vote, he asked the Chair
74 if it would be possible, for expediency in pro forma votes, to ask if there are any who need to
75 abstain or vote no. The Chair stated that it would be possible and asked if there were any who
76 needed to abstain or vote no. Noting none, the Chair stated that all other votes would be considered
77 a *yes* and that the motion passed.

78

79 **FSB Chair’s Report**

80 Chief DeBoard stated she did not have a report.

81

82 **DFS Director’s Report**

83 Chief DeBoard called on Director Jackson to provide her report to the Board.

84

85 **Department Updates**

86 Director Jackson provided updates on various areas of DFS operations, starting with the Central
87 Laboratory capital project. Director Jackson indicated that the construction permit has been issued
88 and full funding has been approved. A groundbreaking ceremony has been scheduled for March
89 2, 2023, and all Board members are invited to attend. DFS is currently making specific selections
90 for materials. Project completion is anticipated in late 2025/early 2026.

91

92 **Agency Website**

93 Director Jackson advised the Board on the progress of the updated DFS website. She stated that
94 significant improvements have been made to the navigation of the site, which were part of Phase
95 I and are now complete. Phase II will consist of integration of the Qualtrax internal document
96 control system so that procedure manuals and other documents can be automatically updated on
97 the website when published.

98

99 Training for Attorneys and Judges

100 Director Jackson reminded the Board of the agency's plans to re-institute training sessions at all
101 four DFS labs in the spring of 2023. There will be a half-day session on Controlled Substances,
102 which is a repeat of a virtual training on the same topic conducted during the pandemic. In
103 addition, there will be a full-day training on DNA. There will be no CLE credits offered for these
104 trainings, as the focus will be on the science and there will be no cost to attend. Information for
105 these courses will be posted on the DFS website.

106

107 Customer Working Group

108 Director Jackson updated the Board on the Customer Working Group, which was established prior
109 to and utilized during the pandemic, to seek customer service feedback. Meetings of the group
110 will be held virtually. Director Jackson gave specific examples of areas where customer input may
111 be sought: Latent Prints Section reporting changes and DNA Section changes in publishing profiles
112 and CODIS entry/searches.

113

114 Stress and Vicarious Trauma Training

115 Director Jackson advised the Board of DFS' plans to provide training for forensic scientists that
116 will offer tools for managing stress and vicarious trauma. The training will be conducted by
117 MindGen, LLC and will consist of four 45-minute sessions beginning in February and ending in
118 April 2023.

119

120 Post-Conviction Project

121 Director Jackson advised the Board that case files identified for review as part of the post-
122 conviction project will be returned to the State Records Center. The Certificates of Analysis have
123 already been scanned as part of the agency's historical case file project. Evidence identified in the
124 case files and dried sample extracts will be returned to the submitting agencies to be maintained
125 as they would any other evidence. The transfers will be done in batches, and a notification will be
126 sent to sheriffs and chiefs in advance.

127

128 Forensic Training

129 Director Jackson noted that three Forensic Science Academy sessions had been completed in 2022,
130 and that the 108th Session is scheduled to begin on January 30, 2023.

131

132 Division of Administration and Finance

133 Director Jackson made the Board aware of several new systems and processes that have been, or
134 are being, implemented in the Administration and Finance arenas. Starting in September/ October
135 2022, the Cardinal Human Resource Management system replaced two older systems for time and
136 leave reporting. The Commonwealth of Virginia (CoV) Learning Center was updated in
137 December, which mostly impacted the DFS Breath Alcohol Section as they use this system for
138 providing virtual Operator Recertification training. The Section will continue to utilize the updated

139 version while they determine whether the changes in functionality meet the needs of the
140 Department or if a new system will be needed. The Virginia Procurement online system, eVA,
141 was also updated this past year. Online training for most of these new systems was provided to
142 employees in advance of their implementation. In addition, DFS will be migrating from Google
143 to Microsoft 365 for its messaging activities later this month.

144

145 Legislative Update

146 Director Jackson advised the Board that DFS has no agency bills for the upcoming session of the
147 General Assembly, although the agency is working with external requesters to provide information
148 as needed for other legislation. DFS has provided technical information to the Virginia State Crime
149 Commission for their study related to DUI laws and enforcement policy options.

150

151 Field Test Regulation Update

152 Director Jackson provided a brief update on 6VAC40-30 – Regulations for the Approval of Field
153 Tests for Detection of Drugs. DFS is reevaluating chemical field tests of current manufacturers
154 who want to remain on the list of approved field tests for detection of drugs for use in preliminary
155 hearings published in the Virginia Register of Regulations. During this process, two additional
156 lists of approved kits have been published. Once the reevaluation is complete, there will be one
157 newly published list of all approved kits. Some of the kits will be removed from the list as the
158 manufacturers either did not indicate a desire to remain on the list, or they no longer exist. The
159 links to the current published lists can be found on the DFS website and are included in the
160 Director’s report presentation.

161

162 Toxicology Updates

163 Director Jackson advised that some of the OCME cases in the Eastern and Western Districts are
164 currently being outsourced to a private laboratory and that DFS is covering the cost for that testing.
165 DFS is working to get new Toxicology Section positions hired and trained to increase testing
166 capacity in the Section. The outsourcing is only being done for post-mortem cases, not for
167 DUI/DUID.

168

169 Director Jackson also updated the Board on the new DUI/DUID Testing Policy, effective January
170 1, 2023. All DUI/DUID samples will be screened for a THC (tetrahydrocannabinol) metabolite
171 and for alcohol. Additional drug screening will continue to be performed on samples with a BAC
172 of < 0.100%. An updated THC method is in the validation process for confirmation and
173 quantitation and should be completed within the next few months. Currently, DFS reports some
174 cases as *inconclusive* if Δ8- and Δ9-THC are present, as the current method cannot always
175 differentiate between the two when both are present. The new method should alleviate the need
176 for inconclusive reporting in these types of cases.

177

178 Budget and Resources

179 Director Jackson shared information on the Department’s FY23/FY24 Biennial budget,
180 highlighting the introduced non-technical budget changes for 2024. One of the items involves
181 converting a part-time Evidence Receiving Specialist position in the Western Laboratory to full-
182 time to improve efficiency. Other items include funding software subscription fees for cell phone
183 investigative tools; providing general fund support for the agency’s PERK (Physical Evidence
184 Recovery Kit) Coordinator position, beginning October 1, 2023; funding four new biologist
185 positions to screen evidence for the presence of DNA and perform other preliminary
186 analyses/reporting; and funding a new laboratory specialist in the Research Section to assist the
187 agency in developing new methods in response to various changes in THC legislation.

188

189 Grants

190 Director Jackson stated that there are no grant items that require Board approval. She advised that
191 two of the Department’s DNA CEBR (Capacity Enhancement and Backlog Reduction) awards
192 recently underwent a desk audit by the grantor (Bureau of Justice Assistance) and that there were
193 no findings. DFS is currently awaiting that audit report.

194

195 Case Statistics

196 Director Jackson advised the Board that the end of year and end of quarter statistics will not be
197 available until after January 6th. This data will be provided to members and published on the DFS
198 website once available.

199

200 Director Jackson shared the November workload statistics. She made note of the fact that the
201 Firearms & Toolmarks turnaround time is down, as NIBIN and non-NIBIN submissions have
202 decreased. She also noted that the Forensic Biology (DNA) Section had the highest turnaround
203 time and that the Section is looking forward to adding additional staff.

204

205 Director Jackson also shared a Case Submission Comparison for the third quarter of calendar years
206 2019-2022. Controlled Substances submissions continue to be significantly lower than in 2019.
207 There has been an increase in the number of DNA and Toxicology cases. In the Digital &
208 Multimedia Evidence Section, the turnaround time has increased overall. Director Jackson
209 explained that cell phone devices needing to be unlocked have a much longer turnaround time than
210 those that do not: 64 days vs. 15 days on average.

211

212 Some of the Board members had questions related to the Director’s report, which were addressed
213 by Director Jackson. Ms. Howard commended DFS staff on their support for the Crime
214 Commission’s DUI/DUID study, which was “an enormous help.”

215

216 Old Business

217

218 Chief DeBoard called on Amy Jenkins, Department Counsel, to provide an update on proposed
219 regulatory actions.

220

221 Proposed Amendments to 6VAC40-50, Regulations for the Approval of Marijuana Field Tests for
222 Detection of Marijuana Plant Material

223 Ms. Jenkins stated that the Department of Planning and Budget has completed its economic impact
224 analysis and DFS concurred with that analysis. The proposed amendments have been sent to the
225 office of the Secretary of Public Safety and Homeland Security.

226

227 6VAC40-15, Parking Regulations – Fast Track Regulatory Action

228 Ms. Jenkins advised the Board that the proposed parking regulations are awaiting approval from
229 the Governor’s Office.

230

231 **New Business**

232

233 6VAC40-11, Public Participation Guidelines - Periodic Review

234 Ms. Jenkins reminded the Board that the periodic review of these Regulations, which is required
235 every four years, was approved at the October 2022 meeting. She advised the Board that there
236 have been no public comments and recommended that 6VAC40-11, the *Public Participation*
237 *Guidelines*, be retained “as is.” A motion was made by Mr. HuYoung and seconded by Ms. Clark.
238 The motion passed by unanimous vote.

239

240 **Public Comment**

241 No public comment was provided.

242

243 **Confirm Future Meeting Dates**

244 Chief DeBoard called on Chief Deputy Director Byrd to explain a conflict with the proposed
245 meeting date of Wednesday, April 12, 2023. Mr. Byrd explained that House Joint Resolution No.
246 471, prefiled on December 30, 2022, has set Wednesday, April 12, 2023, as the date the General
247 Assembly shall reconvene for the purpose of considering bills that may have been returned by the
248 Governor. He further indicated that the Scientific Advisory Committee (SAC) was scheduled to
249 meet on April 11, 2023, and that the Board and SAC typically meet on consecutive days. Chief
250 DeBoard suggested that the Board meet on Monday, April 10 at 9:30 a.m. and asked if there was
251 any opposition. Being none, it was decided that the next meeting of the Board will be Monday,
252 April 10 at 9:30 a.m.

253

254 **Adjournment**

255 Chief DeBoard called for a motion to adjourn. Ms. Howard made a motion to adjourn the meeting,
256 which was seconded by Dr. Toney and passed by unanimous vote. The meeting was adjourned at
257 10:26 a.m.